

who, without authority, holds himself or herself out to be so licensed or authorized).

(c) *Physician* means a doctor of medicine or osteopathy legally authorized to practice medicine or surgery by a State (or any individual who, without authority, holds himself or herself out to be so authorized).

(d) *State* means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and any other territories or possessions of the United States.

(e) *State Licensing Board* means, with respect to a physician, dentist or other health care practitioner in a State, the agency of the State which is primarily responsible for the licensing of the physician, dentist or practitioner to provide health care services.

(f) *Generally accepted standards of clinical practice* means reasonable competence in the clinical aspects of one's responsibilities, as well as the moral and ethical behavior necessary to carry out those responsibilities.

(g) *Separated licensed health care professional* means a licensed health care professional who is no longer on VA rolls, regardless of whether the individual left voluntarily or involuntarily and regardless of the reason why the individual left.

(h) *Currently employed licensed health care professional* means a licensed health care professional who is on VA rolls.

(i) *On VA rolls* means on VA rolls, regardless of the status of the professional, such as full-time, part-time, contract service, fee-basis, or without compensation.

(Authority: 38 U.S.C. 501, 7401-7405; Section 204(b) of Pub. L. 99-166, 99 Stat. 952-953; Pub. L. 99-660, 100 Stat. 3743)

[58 FR 48455, Sept. 16, 1993, as amended at 63 FR 23665, Apr. 30, 1998]

§ 47.2 Reporting to State Licensing Boards.

It is the policy of VA to report to State Licensing Boards any currently employed licensed health care professional or separated licensed health care professional whose clinical practice during VA employment so significantly failed to meet generally accepted

standards of clinical practice as to raise reasonable concern for the safety of patients. The following are examples of actions that meet the criteria for reporting:

(a) Significant deficiencies in clinical practice such as lack of diagnostic or treatment capability; errors in transcribing, administering or documenting medication; inability to perform clinical procedures considered basic to the performance of one's occupation; performing procedures not included in one's clinical privileges in other than emergency situations;

(b) Patient neglect or abandonment;

(c) Mental health impairment sufficient to cause the individual to behave inappropriately in the patient care environment;

(d) Physical health impairment sufficient to cause the individual to provide unsafe patient care;

(e) Substance abuse when it affects the individual's ability to perform appropriately as a health care provider or in the patient care environment;

(f) Falsification of credentials;

(g) Falsification of medical records or prescriptions;

(h) Theft of drugs;

(i) Inappropriate dispensing of drugs;

(j) Unethical behavior or moral turpitude;

(k) Mental, physical, sexual, or verbal abuse of a patient (examples of patient abuse include intentional omission of care, willful violation of a patient's privacy, willful physical injury, intimidation, harassment, or ridicule); and

(l) Violation of research ethics.

(Authority: 38 U.S.C. 501; 7401-7405; Section 204(b) of Pub. L. 99-166, 99 Stat. 952-953; Pub. L. 99-660, 100 Stat. 3743)

[63 FR 23665, Apr. 30, 1998]

PART 48—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

Sec.

48.100 What does this part do?

48.105 Does this part apply to me?

48.110 Are any of my Federal assistance awards exempt from this part?

§ 48.100

48.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 48.200 What must I do to comply with this part?
- 48.205 What must I include in my drug-free workplace statement?
- 48.210 To whom must I distribute my drug-free workplace statement?
- 48.215 What must I include in my drug-free awareness program?
- 48.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 48.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
- 48.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

- 48.300 What must I do to comply with this part if I am an individual recipient?
- 48.301 [Reserved]

Subpart D—Responsibilities of the Department of Veterans Affairs Awarding Officials

- 48.400 What are my responsibilities as a Department of Veterans Affairs awarding official?

Subpart E—Violations of This Part and Consequences

- 48.500 How are violations of this part determined for recipients other than individuals?
- 48.505 How are violations of this part determined for recipients who are individuals?
- 48.510 What actions will the Federal Government take against a recipient determined to have violated this part?
- 48.515 Are there any exceptions to those actions?

If you are . . .	see subparts . . .
(1) A recipient who is not an individual	A, B and E.
(2) A recipient who is an individual	A, C and E.
(3) A(n) Department of Veterans Affairs awarding official	A, D and E.

§ 48.110 Are any of my Federal assistance awards exempt from this part?

This part does not apply to any award that the Secretary determines that the application of this part would be inconsistent with the international

38 CFR Ch. I (7–1–04 Edition)

Subpart F—Definitions

- 48.605 Award.
- 48.610 Controlled substance.
- 48.615 Conviction.
- 48.620 Cooperative agreement.
- 48.625 Criminal drug statute.
- 48.630 Debarment.
- 48.635 Drug-free workplace.
- 48.640 Employee.
- 48.645 Federal agency or agency.
- 48.650 Grant.
- 48.655 Individual.
- 48.660 Recipient.
- 48.665 State.
- 48.670 Suspension.

AUTHORITY: 41 U.S.C. 701, *et seq.*; 38 U.S.C. 501

SOURCE: 68 FR 66557, 66619, 66620, Nov. 26, 2003, unless otherwise noted.

Subpart A—Purpose and Coverage

§ 48.100 What does this part do?

This part carries out the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*, as amended) that applies to grants. It also applies the provisions of the Act to cooperative agreements and other financial assistance awards, as a matter of Federal Government policy.

§ 48.105 Does this part apply to me?

(a) Portions of this part apply to you if you are either—

(1) A recipient of an assistance award from the Department of Veterans Affairs; or

(2) A(n) Department of Veterans Affairs awarding official. (See definitions of award and recipient in §§ 48.605 and 48.660, respectively.)

(b) The following table shows the subparts that apply to you:

obligations of the United States or the laws or regulations of a foreign government.